

**REMARKS**

By this Amendment, claim 1 is amended and claim 67 is canceled without prejudice or disclaimer. Accordingly, claims 1, 2, 5-14 and 56-66 are pending in this application. Claims 12-14 and 56-65 are withdrawn from consideration. Reconsideration of the application is respectfully solicited.

Applicant gratefully acknowledges the courtesies extended to Applicant's representative at the personal interview conducted on July 14, 2004. The substance of the interview is incorporated into the following remarks, which constitute Applicant's record of the interview.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

By this Amendment, claim 1 is amended to include the features previously recited in claim 67, and claim 67 is canceled. In particular, claim 1 is amended to recite "the magnetic write head having a length and a width smaller than a spot diameter of the laser beam in the laser beam output surface."

Applicant gratefully acknowledges that claim 8 is allowed.

The Office Action rejects claims 1, 2, 5, 11 and 66 under 35 U.S.C. §103(a) over U.S. Patent No. 5,353,268 to Hintz considered with U.S. Patent No. 5,886,959 to Bischoff et al.

(hereinafter "Bischoff") and further considered with U.S. Patent No. 5,244,751 to Takayama et al. (hereinafter "Takayama"). This rejection is respectfully traversed.

Applicant respectfully submits that none of Hintz, Bischoff or Takayama discloses or suggests the feature recited in claim 1 of "the magnetic write gap having a length and a width smaller than a spot diameter of the laser beam in the laser beam output surface." Applicant respectfully requests that the rejection of claims 1, 2, 5, 11 and 66 under 35 U.S.C. §103(a) be withdrawn.

Claims 6 and 7 are rejected under 35 U.S.C. §103(a) over Hintz, Bischoff and Takayama as applied to claim 1 above, and further in view of U.S. Patent No. 5,615,183 to Ishii. This rejection is respectfully traversed.

Applicant submits that Ishii does not remedy the deficiency of Hintz, Bischoff and Takayama with respect to claim 1. Claims 6 and 7 depend from claim 1, and are patentable for at least the reasons set forth above with respect to claim 1, as well as for the additional features they recite. Accordingly, Applicant respectfully requests that the rejection of claims 6 and 7 under 35 U.S.C. §103(a) be withdrawn.

The Office Action rejects claims 9 and 10 under 35 U.S.C. §103(a) over Hintz, Bischoff and Takayama and further in view of Official Notice. However, the Official Notice deals only with edge emitting lasers and vertical cavity surface emitting semiconductors, and does not remedy the deficiency of Hintz, Bischoff and Takayama with respect to claim 1. Claims 9 and 10 depend from claim 1, and are patentable for at least the reasons set forth above with respect to claim 1 as well as for the additional features they recite. Therefore, Applicant respectfully requests that the rejection of claims 9 and 10 under 35 U.S.C. §103(a) be withdrawn.

The Office Action rejects claim 67 under 35 U.S.C. §103(a) over Hintz, Bischoff and Takayama further in view of U.S. Patent No. 4,832,456 to Yamazaki et al. (hereinafter

"Yamazaki"). This rejection is moot, because claim 67 has been canceled. However, to the extent that the rejection of claim 67 may now be applied to claim 1, the rejection in view of Yamazaki is traversed as follows.

The Office Action apparently relies on Yamazaki to supply the subject matter missing from Hintz, Bischoff and Takayama, of "the magnetic gap having a length and a width smaller than a spot diameter of the laser beam and the laser beam output surface." However, Applicant submits that Yamazaki cannot supply the missing subject matter because Yamazaki does not disclose a magnetic head at all.

Yamazaki discloses an optical disk comprising a pair of transparent circular substrates and a pair of transparent electrodes 4 and 4'. In advance of writing, an electric field higher than the coercive field of the ferroelectric layer 5 is applied to impose order on the liquid crystal layer 6 between the electrodes 4 and 4'. The order imposed on the liquid crystal layer 6 remains after removing the electric field, because of the spontaneous polarization of the ferroelectric layer 5, to produce a homeotropic phase of the liquid crystal layer 6. To write information on the liquid crystal layer, the optical disk is irradiated with light which increases the temperature of the disk, thereby reducing the coercive force of the ferroelectric layer 5. As a result of the increase in temperature, the spontaneous polarization of the ferroelectric layer decays. The liquid crystal layer 6 therefore loses its external electric field and is released into a homogeneous phase. In consequence, information is written in terms of two phases of the liquid crystal layer 6, homeotropic and homogeneous phases. (See column 1, line 66 through column 2, line 59). Nowhere in Yamazaki is a magnetic write head disclosed, and therefore the feature "the magnetic write gap having a length and a width smaller than a spot diameter of the laser beam" is not disclosed in Yamazaki.

During the personal interview, the Examiner argued that Yamazaki is used to teach track widths less than 1  $\mu\text{m}$ . However, Applicant submits that nowhere in Yamazaki is the

width of a track related to the width of a magnetic gap. For example, the head of Takayama, having a magnetic gap width of at least 1  $\mu\text{m}$ , could be used with the narrower tracks of Yamazaki, without reducing the magnetic gap width of the head of Takayama. Therefore, having narrower tracks does not necessarily imply having a narrower head.

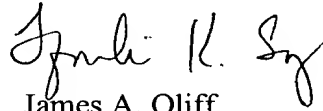
According to MPEP 2112, "The fact that a certain result may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." Accordingly, the magnetic write gap having a length and a width smaller than the spot diameter of a laser beam is not expressly or inherently disclosed or suggested in any combination of the applied references. Therefore, claim 1 is patentable over Hintz, Bischoff and Takayama further in view of Yamazaki.

Applicant respectfully submits that in view of the patentability of claim 1 as discussed above, claims 12-14 and 56-65 should be rejoined and allowed, because of their dependence on claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5-7, 9-14 and 56-66, in addition to claim 8, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Jaquelin K. Spong

Registration No. 52,241

JAO:JKS/scg

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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